

HOUSE BILL 602  
By Briley

AN ACT to amend Tennessee Code Annotated, Title 4; Title 5; Title 6; Title 7 and Title 8, relative to collective bargaining by public employees.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. The general assembly declares that it is the public policy of the state to: promote harmonious and cooperative relationships between government and its employees by permitting public employees to have a voice in determining their conditions of work through collective bargaining; protect the citizens of this state by assuring effective and orderly operations of government in providing for their health, safety, and welfare; and protect the rights of public employees to join or refuse to join, and to participate in or refuse to participate in employee organizations of their own choosing.

SECTION 2. As used in this act:

(1) "Employee" or "public employee" means any person employed by a public employer, except elected and appointed officials and such other employees as may be excluded from coverage in section 3 of this act; and

(2) "Employer" or "public employer" means the state or any political subdivision of the state, including without limitation, any board, department, commission, institution, agency or unit of such entities, any political corporation, district, or authority established

by state law and any person acting as an agent of the employer in dealing with public employees.

SECTION 3. This act applies to all public employees except the following:

- (1) Elected officials and persons appointed to fill vacancies in elective offices, and members of any board or commission;
- (2) Managerial representatives;
- (3) Students working part time for twenty (20) hours or less per week unless they are:

- (A) Graduate or other postgraduate students in preparation for a profession who are engaged in academically related employment as a teaching, research, or service assistant; or

- (B) Medical interns and residents employed at a public hospital;

- (4) Commissioned and enlisted personnel of the Tennessee national guard;

- (5) Judicial officers, and confidential, professional, or supervisory employees of the judicial branch; and

- (6) Patients and inmates employed, sentenced, or committed to any state or local institution.

SECTION 4.

(a) Public employees in this state shall have the right, free from interference, restraint, or coercion, to:

- (1) Organize, form, join, assist, and participate in activities of employee organizations;

- (2) Engage in collective bargaining regarding terms and conditions of employment through exclusive representatives of their own choosing;

- (3) Engage in concerted activities for the purpose of collective bargaining or other mutual aid or protection; and

(4) Refrain from any or all of the activities described in this subsection.

(b) This act in no way authorizes or provides any right to employees to strike or to otherwise participate in any work stoppage or interruption.

#### SECTION 5.

(a) A public employer and its representatives or agents shall not:

(1) Interfere with, restrain, or coerce public employees in the exercise of rights granted by this act;

(2) Dominate or interfere with the formation or administration of any employee organization;

(3) Encourage or discourage membership in or support for any employee organization, committee, or association;

(4) Discharge, discriminate, or take adverse action against a public employee because the employee supports or has formed, joined, or chosen to be represented by any employee organization, exercised such employee's rights under this act, filed an affidavit, petition, or complaint, or given any information or testimony under this act; or

(5) Refuse to recognize or to negotiate collectively with an employee bargaining representative.

(b) An employee organization and its representatives or agents shall not:

(1) Interfere with, restrain, or coerce public employees in the exercise of rights granted by this act;

(2) Restrain or coerce an employer with respect to selecting a representative for the purposes of negotiating collectively on the adjustment of grievances;

(3) Refuse to bargain collectively with an employer; or

(4) Breach its duty of fair representation if the breach results from action or inaction that was arbitrary, discriminatory, or in bad faith.

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.